

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director, Business & Industry

ANDREW J. MACKAY
Chairman

MONICA B METZ
Commissioner

GEORGE ASSAD
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE April 25, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman MacKay called the General Session to Order at approximately 9:34 a.m.

2. Roll Call

Present in Las Vegas: Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief of Enforcement, Michael Bradford, Senior Deputy Attorney General David Newton, Deputy Attorney General Christopher Eccles. Present in Reno: Chairman Andrew J. MacKay, Deputy Commissioner Marilyn Skibinski

3. Pledge of Allegiance

Deputy Attorney General Christopher Eccles led a recital of the pledge.

4. Public Comment:

none

5. Approval of Agenda

Administrative Attorney James Day requested that Item 66 be considered last to facilitate teleconference participation by legal counsel for the Transferor and Transferee Applicants. Deputy Attorney General Christopher Eccles requested that Item 62 be tabled until the second subsequent general session and that Items 67 and 68 be tabled until the next general session, and 64 be removed as it is withdrawn. Approved 2-0 as amended.

6. Approval of the Minutes of the March 21, 2013 General Session

Approved 2-0

7. Briefings from the Commissioners

Chairman MacKay congratulated Commissioner Metz on the birth of her child, thanked Staff for support in his preparation for today's meeting, and congratulated Senior Deputy Attorney General Newton on his son's acceptance as a scholar-athlete at the University of Nevada.

8. Briefing from the Deputy Commissioner

none

9. Report of Legal Counsel

Senior Deputy Attorney General Newton reported that the Petition for Judicial Review in the Omni matter has been withdrawn by both parties, that briefing is ongoing in the Rapid Tow and Custom Towing appeals, and expressed gratitude to Ewing Bros. Towing for participation in a drunk driving awareness program, commending them on their community service.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10-45 were considered collectively. Approved 2-0

- 10. Citation 14152** issued to Walid M. Abu-Srouer for violations of NAC 706.376 and NAC 706.247/49 CFR 391.41. (AJM)
- 11. Citation 14153** issued to Stephen Lyman for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
- 12. Citations 14190 and 14191** issued to A & A Towing, Inc. for violations of NAC 706.420, NAC 706.311 (2 counts), NAC 706.247/49 CFR 391.51(7)i (2 counts) and NAC 706.247/49 CFR 382.301(a) (3 counts). (AJM)
- 13. Citation 14192** issued to All Resort Coach, Inc. d/b/a Lewis Stages for violations of NAC 706 as amended by LCB File No. R113-10 (8 counts). (AJM)
- 14. Citation 16149** issued to Nick Paris for a violation of NAC 706.376. (AJM)
- 15. Citations 15997, 15998, 15999, 16188 and 16190** issued to Custom Towing for violations of NAC 706.420 as amended by LCB R075-08 (3 counts), NAC 706.420 (16 counts) and NAC 706.311 (2 counts). (MBM)
- 16. Citations 15548 and 15549** issued to Berhanu Gola for violations of NAC 706.228, NAC 706.329 and NAC 706 as amended by LCB File No. R127-07. (MBM)
- 17. Citation 16105** issued to Darrell Moore for violations of NRS 706.386 and NRS 706.758. (MBM)
- 18. Citation 16101** issued to Derek James Jensen for violations of NRS 706.386 and NRS 706.758. (MBM)
- 19. Citation 16063** issued to George Cotton for violations of NRS 706.386 and NRS 706.758. (MBM)
- 20. Citations 15670, 15801 and 15802** issued to Rush In Towing for violations of NAC 706.247/49 CFR 391.51(7)(i), NAC 706.311 (3 counts) and NRS 706.4477 as amended by LCB File No. R075-08 (2 counts). (MBM)

21. **Citation 15756** issued to Tri State Towing for violations of NAC 706.418 (2 counts) and NAC 706.311. (MBM) – ***FOR POSSIBLE ACTION***
22. **Citation 15757** issued to Desert Fox Tours, Inc./Richard Gazda for violations of NRS 706.386 and NRS 706.758. (MBM)
23. **Citations 15742, 15743, 15744, 15749, 15750, 15841, 15995 and 16179** issued to CLS Nevada, LLC for violations of NRS 706.398, NAC 706.311 (396 counts), NAC 706.3612 (189 counts), NAC 706.247/49 CFR 395.1(e) (34 counts), NAC 706.360 (30 counts), NAC 706.247/49 CFR 395.1, NAC 706.354(2) and NAC 706.228(3). (MBM)
24. **Citation 16064** issued to Song Xiong for violations of NAC 706 as amended by LCB File No. R127-07. (MBM)
25. **Citation 15550** issued to Worku Tesfaye Wubea for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.228. (MBM)
26. **Impound 2045 and Citation 16207** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16207 issued to Richard Etebom Mbariket for violations of NRS 706.386 and NRS 706.758. (MBM)
27. **Impound 1576 and Citation 16191** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16191 issued to Hipolito Aguilar for violations of NRS 706.386 and NRS 706.758. (MBM)
28. **Impound 1579** The impoundment pursuant to NRS 706.476 of a vehicle registered to Raymond Ostendorf. (MBM)
29. **Impound 2052 and Citation 16208** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16208 issued to Miriah Wilson for violations of NRS 706.386 and NRS 706.758. (MBM)
30. **Impound 2053** The impoundment pursuant to NRS 706.476 of a vehicle registered to Linda Poling. (MBM)
31. **Impound 1976 and Citation 16102** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16102 issued to Thomas Munguia for violations of NRS 706.386 and NRS 706.758. (MBM)
32. **Impound 2046 and Citation 16076** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16076 issued to Susanne Stevens for violations of NRS 706.386 and NRS 706.758. (MBM)
33. **Impound 2047 and Citation 16068** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16068 issued to Aharon Roni Sas for violations of NRS 706.386 and NRS 706.758. (MBM)
34. **Citation 16067** issued to Terren Desean Goff for a violation of NAC 706 as amended by LCB File No. R127-07(1). (GA)

- 35. Impounds 2048 and 2049** The impoundments pursuant to NRS 706.476 of vehicles registered to Donald Jensen. (GA)
- 36. Impound 2074** The impoundment pursuant to NRS 706.476 of a vehicle registered to EAN Holdings. (GA)
- 37. Citation 16065** issued to Roger Rivkin for a violation of NAC 706.228.
- 38. Citation 16253** issued to The Tow Truck Co. Inc. for violations of NAC 706.418 and NAC 706.311 (2 counts).
- 39. Citation 16070** issued to Reginald Green for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 40. Citation 16077** issued to Richard McLoone for a violation of NAC 706.228.
- 41. Citation 16079** issued to Malcolm Brothers for a violation of NAC 706.228.
- 42. Citation 16193** issued to South Strip Towing for violations of NAC 706.420 (7 counts).
- 43. Citation 16203** issued to Thadius Dean Oberheim for violations of NAC 706.247/49 CFR 391.41 and NAC 706 as amended by LCB File No. R127-07(1).
- 44. Citation 16204** issued to Mai Niv Enterprises, Inc. for violations of NAC 706.420 and NAC 706.311.
- 45. Citation 16252** issued to The Tow Truck Company, Inc. for a violation of NAC 706.311.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 46. Docket No. 12-10008** The Application of Esteban's Corporation d/b/a The Shop Towing for an expansion of authority to provide non-consent tow car service by tow car vehicle within the State of Nevada under Certificate of Public Convenience and Necessity (hereinafter "CPCN") 7107, Sub 2. Staff investigation concluded. (GA)
Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0
- 47. Docket No. 12-12006** The Application of Towing Solutions of Las Vegas, LLC d/b/a Towing Solutions of Las Vegas for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (GA)
Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0

48. Docket No. 13-04018 The temporary discontinuance from April 16, 2013 through October 16, 2013 of services provided by Efren Sotelo d/b/a Instant Towing under CPCN 7305. Staff investigation concluded.

Applications Manager Liz Babcock summarized the basis for the request expressed Staff support. Approved 2-0

49. Docket No. 13-04020 The temporary discontinuance from March 28, 2013 through April 28, 2013 of services provided by Lifting Towing, LLC d/b/a Lifting Towing under CPCN 7268. Staff investigation concluded.

Chairman MacKay described the factual background in this matter and noted that the request was received on April 16, 2013. Approved 2-0, effective April 16, 2013 through April 28, 2013

NAME CHANGES

50. Docket Numbers 13-02013 and 13-03018 The Petition of Royalty Limos, LLC to change their name by adding d/b/a VLS for services provided under CPCN's 1059, Sub 6 and 2149, Sub 1. Staff investigation concluded.

Kimberly Maxson-Rushton, Esquire was present on behalf of the Petitioner and summarized the request and thanked Chairman MacKay for interim approval. Approved 2-0

51. Docket No. 13-04009 The Petition of Adventure Photo Tours, Inc. d/b/a Adventure Photo Tours to change their name by adding an additional d/b/a of Kiss Limousines for services provided under CPCN 1047, Sub 1. Staff investigation concluded.

Co-Owner Donna Tryon was present on behalf of the Applicant. Applications Manager Liz Babcock noted that the new dba name will be in addition to the existing dba name. Approved 2-0.

APPLICATIONS FOR WAREHOUSE PERMITS

52. Docket No. 11-12005 The Application of Desert Portable Storage, LLC d/b/a PODS for a Warehouse Permit. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and stated the concerns staff has with regard to insurance coverage vs. storage space. Tito Rodriguez was present on behalf of the Applicant and detailed the PODS storage process, designated forklift aisles and computer program currently utilized. A discussion ensued with regard to insurance coverage requirements for this type of storage facility and configuration. Approved 2-0 with additional requirement for Staff inspection within six months to confirm utilization of warehouse is as represented.

53. Docket No. 12-12025 The Application of Storage Mobility of Nevada, LLC d/b/a PODS of Northern Nevada for a Warehouse Permit. Staff investigation concluded.

Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0

PETITION

54. Docket No. 13-04005 The Petition of U-Haul Co. of Nevada, Inc. for permission to prepare and submit their annual report on other than a calendar year for transportation of household goods conducted under CPCN 3352. Staff investigation concluded.

Applications Manager Liz Babcock summarized Petition indicating a due date for the annual report of August 15th and indicated staff support. Approved 2-0

FINANCIAL RATES AND TARIFFS

55. Docket No. 13-03001 The Application of The Tow Truck Co., Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7136, Sub 2. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the application and indicated staff support.

Approved 2-0

56. Docket No. 13-03012 The Application of City Wide Enterprises, a Nevada Corporation d/b/a City Wide Towing for approval of a tariff rate modification for tow car services conducted under CPCN 3211. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the application and indicated staff support. Cliff Zimbelman was present on behalf of the Applicant. Approved 2-0

57. Docket No. 13-03025 The Application of Nevada Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7204. Staff investigation concluded.

Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0

58. Docket No. 13-03027 The Application of GMT CARE, LLC for approval of a tariff rate modification for non-emergency medical transportation conducted under CPCN 1115, Sub 1. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the application and indicated staff support.

Approved 2-0

59. Docket No. 13-04001 The Application of Exotic Limousines, Inc. d/b/a Exotic Limousines for approval of a tariff rate modification for charter limousine service conducted under CPCN 1095. Staff investigation concluded.

Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0

60. Docket No. 13-04002 The Application of Elko Taxi Service, Inc. for approval of a tariff rate modification for taxicab service conducted under CPCN 1046, Sub 2. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the application and indicated staff support.

Approved 2-0

61. Docket No. 13-04024 The Application of D & S Tow, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7045, Sub 2. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the applications financial position. Susan Zinser was present on behalf of the Applicant. Approved 2-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 62. Docket No. 11-02022** The Application of Rovin M. Chavarria and Roberto A. Ruiz d/b/a Jackpot Transportation Service for a CPCN to operate as a common carrier of passengers to provide airport transfer service within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application.

Item tabled, Agenda meeting to be determined at a later date.

- 63. Docket No. 11-08017** The Application of Ameritrans Medical Transportation, Inc. for a CPCN to provide non-emergency medical transportation within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (AJM)

Deputy Attorney General Eccles summarized the application process to date. Motion to Dismiss Approved 2-0

- 64. Docket No. 12-04011** The Application of J & J Tours, LLC d/b/a J & J Tours for a contract carrier permit to provide transportation services within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. Tabled from March 21, 2013 general session. (MBM)

Motion withdrawn prior to consideration.

- 65. Docket No. 12-10011** The Application of Move 4 Less, LLC d/b/a Move 4 Less, MoveU4Less.com for an expansion of authority for operations conducted under CPCN 3344, Sub 3. Staff investigation concluded (GA)

Applications Manager Liz Babcock summarized the application and indicated staff support. Avi and Moti Perez appeared on behalf of the Applicant. Approved 2-0

FEDERAL APPROVAL OF TRANSFER OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

- 66. Docket No. 12-09019** The United States Surface Transportation Board's approval of the sale and transfer of CPCN's 2016, Sub 2 from CUSA K-TCS, LLC d/b/a CoachAmerica and CPCN 2115 from CUSA K-TCS, LLC d/b/a Gray Line Airport Shuttle to Evergreen Trails, Inc. d/b/a Horizon Coach Lines. Staff investigation concluded.

Chairman MacKay summarized the issue. Attorney Chris Falcone was present telephonically on behalf of the Transferor and Transferee carriers. Senior Deputy Attorney General Newton stated his agreement with Chairman MacKay's summarization. Louis Csoka, Esquire appeared on behalf of the Protestant. Mr. Csoka also gave detailed argument as to the objections of the LOA. A lengthy discussion ensued. Mr. Day stated the need for the Authority to recognize and affirm the Surface Transportation Board's decision. CPCN transfer Approved 2-0

FORMAL WRITTEN COMPLAINT

- 67. Docket No. 12-11008** The formal written complaint of Michael Keller/AAA against City Auto Towing (CPCN 7117). Pursuant to NAC 706.3977, the Staff of the Authority could not resolve the formal written complaint and therefore transmitted the complaint to the Authority for review. At its December 2012 general session, the Authority found probable cause with respect to the limited issue of the charges for inside versus outside storage and set a public hearing on the complaint. Chairman Andrew J. MacKay, in his capacity as Presiding Officer, conducted the

hearing on February 7, 2013. The Authority will consider the Presiding Officer's recommendations that the complaint be dismissed and that no further remedies are warranted. (AJM)

Item tabled to next subsequent Agenda meeting.

REQUEST FOR AUTHORITY TO OPEN TARIFF INVESTIGATION

68. Docket Number 13-03026 Michael A. Keller of AAA Insurance requests that, pursuant to NRS 706.321(4), the Authority move to open an investigation regarding the tariff rates of Emerald Bay Towing (CPCN 7081).

Item tabled to next subsequent Agenda meeting.

DISCUSSION/ACTION ITEM

69. The Authority will discuss the current Nevada legislative session and consider official positions on pending bills. The Authority will also discuss appointing one member as a representative for legislative matters that arise requiring Authority input when impractical or impossible to schedule a general session. (AJM)

Summary of bills and Authority's position:

In support: AB198, AB363, SB12, SB302, SB428, SB432, SB456

Remain neutral: SB210, SB335, SB430

Chairman MacKay is designated as representative for legislative matters for the Authority as they arise.

Approved 2-0

DISCUSSION ITEMS

70. Public Comment

Prior to Item 66

David Walker, Walker Towing, in reference to AB363, the removal of vehicles from private property, he noted the charges do not remain with the vehicle. His opinion on SB428 was the tow companies should not be required to accept credit card payment from a vehicle owner that has been retained under criminal charges.

71. Public Comment

Following Item 66

none

72. Adjournment

Meeting was adjourned at 12:55 p.m.